

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ERIC EICHEL, Individually and	*	
as Personal Representative of	*	
the Estate of Randi Eichel	*	
	*	
&	*	
	*	CIVIL ACTION NO. MJG-02-4207
SHANNAH EICHEL, a minor by and	*	
through her father and next	*	
friend Eric Eichel	*	
	*	
Plaintiffs	*	
	*	
v.	*	
	*	
UNITED STATES	*	
OF AMERICA,	*	
	*	
Defendant	*	
* * * *	***	* * *

JOINT MOTION TO MODIFY SCHEDULING ORDER

Both the Plaintiffs and the Defendant, the United States of America, by their respective counsel, move jointly, pursuant to Local Rule 105.9, to modify the Scheduling Order in the above-captioned case for the following reasons:

1. The Plaintiffs have filed a wrongful death and survival action, alleging that the decedent's death came about as the result of the negligence of doctors employed at Pensacola Naval Hospital. This medical malpractice case is complex and will, necessarily, involve the testimony of more than one medical expert and the testimony of various treating physicians. A status report respecting discovery is due to the Court on October 31, 2003 but no

trial date has yet been scheduled.

2. Counsel for both sides have established deposition dates for various witnesses, including those identified as expert witnesses. A number of depositions have been taken to date but there are still several more depositions that need to be taken relative to witnesses who reside outside of the state of Maryland. Given those circumstances, a modification of the current Scheduling Order is needed.

3. Such will in no way unduly and unreasonably delay a case of this magnitude and will, in fact, conserve judicial resources by aiding in streamlining the issues involved in the case. Neither party will be prejudiced by the Court's grant of the proposed modification.

WHEREFORE, it is respectfully requested that this Honorable Court grant leave for the parties to complete discovery in conformance with the following revised schedule:

Rule 26(e)(2) Supplementation of Disclosures -- 11/21/03

Discovery Deadline and Status Report -- 12/17/03

Requests for Admissions -- 12/24/03

Dispositive Pretrial Motions - 1/14/04

Respectfully submitted,

THOMAS M. DIBIAGIO
United States Attorney

/s/
TARRA DeSHIELDS

Assistant United States Attorney
General Bar No. 07749

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Counsel for Defendant

/s/
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Shulman, Rogers, Gandal, Pordy &
Ecker, P.A.
11921 Rockville Pike, Third Floor
Rockville, Maryland 20852
(301) 230-5200
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October, 2003, one copy of the foregoing Joint Motion for Third Modification of Scheduling Order was electronically filed this date and mailed, postage prepaid, to Karl J. Protil, Jr., Shulman, Rogers, Gandal, Pordy & Ecker, P.A., 11921 Rockville Pike, Third Floor, Rockville, Maryland 20852.

/s/
TARRA DeSHIELDS
Assistant United States Attorney

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	*	
Plaintiffs	*	
	*	
v.	*	
	*	
UNITED STATES	*	
OF AMERICA,	*	
	*	
Defendant	*	
* * * *	***	* * *

ORDER

The foregoing Joint Motion for Second Modification of the Scheduling Order having been read and considered by the United States District Court for the District of Maryland, it is this _____ day of October, 2003,

ORDERED, that the parties Joint Motion for Second Modification of the Scheduling Order be and is hereby GRANTED and that the Scheduling Order be modified as follows:

Rule 26(e)(2) Supplementation of Disclosures -- 11/21/03

Discovery Deadline and Status Report -- 12/17/03

Requests for Admissions -- 12/24/03

Dispositive Pretrial Motions - 1/14/04; and it is

further ORDERED that the Clerk of the Court remit copies of this signed ORDER to all counsel of record in the case.

Marvin J. Garbis
United States District Judge